

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

RICKEY L. JACKSON,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Respondent.

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No. 1:07CV00034 ERW

**MEMORANDUM AND ORDER**

This matter is before the Court on Rickey Jackson's Motion for Copy of Trial Transcripts [doc. #87]. A bench trial was held on January 26, 2009, and the Court ordered the Parties to submit post-trial briefs to the Court. Rickey Jackson now asks that he be provided with a free copy of the trial transcript so that he may prepare his post-trial brief.

Under 28 U.S.C. § 753(f), fees for transcripts may be paid by the United States in certain instances:

Fees for transcripts furnished in criminal proceedings to persons proceeding under the Criminal Justice Act (18 U.S.C. 3006A), or in habeas corpus proceedings to persons allowed to sue, defend, or appeal in forma pauperis, shall be paid by the United States out of moneys appropriated for those purposes. Fees for transcripts furnished in proceedings brought under section 2255 of this title to persons permitted to sue or appeal in forma pauperis shall be paid by the United States . . . Fees for transcripts furnished in other proceedings to persons permitted to appeal in forma pauperis shall also be paid by the United States.

28 U.S.C. § 753(f). This language authorizes free transcripts to in forma pauperis litigants in suits or appeals of habeas actions, proceedings under 28 U.S.C. § 2255, and actions under the Criminal Justice Act. *See* 28 U.S.C. § 753(f). However, this suit does not fall under these statutes. The catchall provision for "other proceedings" is limited only to in forma pauperis appeals, which also


does not encompass this action because Plaintiff is not appealing this action, but instead seeks a copy of the trial transcript to prepare his post-trial brief. 28 U.S.C. § 753(f). It is clear that Plaintiff may not receive a free transcript under this statute.

While the Court may not provide Plaintiff with a free transcript under 28 U.S.C. § 753(f), this transcript is “necessarily obtained for use in the case.” *Edward B. v. Paul*, 814 F.2d 52, 57 (1st Cir. 1987). This request is valid and reasonable as Plaintiff needs a copy of the transcript to properly prepare his post-trial brief. *Ortiz v. Brymer*, 2005 WL 2671084, at \*1 (D. Conn. Oct. 19, 2005). The Court notes that the Government has already ordered a copy of the transcript, and is responsible for paying the court reporter’s fee for preparing the transcript. Once the transcript has been completed, the Clerk of Court shall prepare and send a free copy of the transcript to Plaintiff.

Accordingly,

**IT IS FURTHER ORDERED** that Rickey Jackson’s Motion for Copy of Trial Transcripts [doc. #87] to receive a copy of the transcript from the January 26, 2009 trial is **GRANTED**. The Clerk of Court shall prepare and send a free copy of the transcript to Plaintiff Rickey Jackson.

Dated this 13th Day of February, 2009.

  
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E. RICHARD WEBBER  
UNITED STATES DISTRICT JUDGE